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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 SHEFALI HARIT RANA
754 Excelso Court
Fremont, CA 93446

13 Pharmacist License No. RPH 43308

14 Respondent.

Case No. 1910

OAH No. N2002120305

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 In the interest of a prompt and speedy settlement of this matter, consistent with the
17 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer
18 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
19 which will be submitted to the Board for approval and adoption as the final disposition of the
20 Accusation.

21 PARTIES

22 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
24 by Bill Lockyer, Attorney General of the State of California, by Michael B. Franklin, Deputy
25 Attorney General.

26 2. Respondent SHEFALI HARIT RANA (Respondent) is represented in this
27 proceeding by attorney Donald B. Brown, whose address is 3848 Carson Street, Suite 206,
28 Torrance, CA 90503.

9. Respondent agrees that her Pharmacist License is subject to discipline and she agrees to be bound by the Board of Pharmacy (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent SHEFALI HARIT RANA,
Pharmacist License No. RPH 43308, is hereby publically reprimanded.

1. **Reimbursement of Board Costs.** Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$3,000.00 within 90 days from the effective date of this decision.

The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board its costs of investigation and prosecution.

ACCEPTANCE

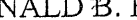
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Donald B. Brown. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: FEB 1 2003

Shefali Harit Rana
SHEFALI HARIT RANA
Respondent

I have read and fully discussed with Respondent SHEFALI HARIT RANA the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: JAN 30 2003


DONALD B. BROWN
Attorney for Respondent

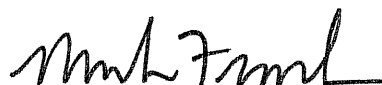
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 2/13/03.

BILL LOCKYER, Attorney General
of the State of California



MICHAEL B. FRANKLIN
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SHEFALI HARIT RANA
754 Excelso Court
Fremont, CA 93446

Pharmacist License No. RPH 43308

Respondent.

Case No. 1910

OAH No. N2002120305

DECISION AND ORDER


The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 2, 2003.

It is so ORDERED April 3, 2003.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

Exhibit A
Accusation No. 1910

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of the State of California
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Attorneys for Complainant

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1910

SHEFALI HARIT RANA
754 Excelso Court
Fremont, CA 93446

ACCUSATION

Pharmacist License No. RPH 43308

Respondent.

Complainant alleges:

PARTIES

1. Patricia F. Harris (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about March 3, 1990, the Board of Pharmacy issued Pharmacist License Number RPH 43308 to SHEFALI HARIT RANA (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2003, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board),

1 Department of Consumer Affairs under the authority of the below mentioned statutes and
2 regulations.¹

3 4. Section 4300 of the Code states that every license, permit, or certificate
4 issued by the Board may be disciplined.

5 5. Section 4301 of the Code states:

6 "The board shall take action against any holder of a license who is guilty of
7 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
8 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
9 following:

10 "(k) The conviction of more than one misdemeanor or any felony involving the
11 use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
12 combination of those substances.

13 "(l) The conviction of a crime substantially related to the qualifications, functions,
14 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
15 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
16 substances or of a violation of the statutes of this state regulating controlled substances or
17 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
18 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
19 The board may inquire into the circumstances surrounding the commission of the crime, in order
20 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
21 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
22 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
23 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
24 meaning of this provision. The board may take action when the time for appeal has elapsed, or
25 the judgment of conviction has been affirmed on appeal or when an order granting probation is

26
27 1. All statutory references are to the Business and Professions Code (Code) unless
28 otherwise indicated.

1 made suspending the imposition of sentence, irrespective of a subsequent order under Section
2 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
3 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
4 or indictment.

5 6. Section 490 of the Code states:

6 "A board may suspend or revoke a license on the ground that the licensee has
7 been convicted of a crime, if the crime is substantially related to the qualifications,
8 functions, or duties of the business or profession for which the license was issued. A
9 conviction within the meaning of this section means a plea or verdict of guilty or a
10 conviction following a plea of nolo contendere. Any action which a board is permitted to
11 take following the establishment of a conviction may be taken when the time for appeal
12 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
13 granting probation is made suspending the imposition of sentence, irrespective of a
14 subsequent order under the provisions of Section 1203.4 of the Penal Code."

15 7. California Code of Regulations, title 16, section 1770, states that for the
16 purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division
17 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
18 considered substantially related to the qualifications, functions or duties of a licensee or
19 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
20 registrant to perform the functions authorized by his license or registration in a manner consistent
21 with the public health, safety, or welfare.

22 8. Section 125.3 of the Code states, in pertinent part, that the Board may
23 request the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

26 CAUSE FOR DISCIPLINE

27 (Conviction)

28 9. Respondent is subject to disciplinary action under section 4301(k) and/or

1 section 4301(l) and/or 490 in that she has multiple convictions involving diversion of controlled
2 substances and dangerous drugs. The circumstances are as follows:

3 On or about October 31, 1995, in Los Angeles County Superior Court
4 Case No. MA010383-01, entitled People vs. Shefali H. Rana, respondent pled nolo contendere
5 to a violation of Penal Code section 487(a), grand theft; Health and Safety Code section 11350(a),
6 unauthorized possession of controlled substances; and Health and Safety Code section 11377(a),
7 unauthorized prescribing.

8 PRAYER

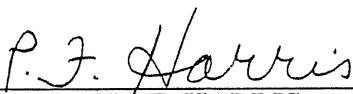
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacist License Number RPH 43308, issued to
12 SHEFALI HARIT RANA;

13 2. Ordering SHEFALI HARIT RANA to pay the Board of Pharmacy the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 10/21/02

18
19 
20 PATRICIA F. HARRIS
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant
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